THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.28157 OF 2005

DATED 30th JANUARY, 2006

BETWEEN

V.Lakshmipathi Rao and others

… Petitioners

and

The District Collector, Visakhapatnam and others.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.28157 OF 2005

ORDER:

The petitioners who are forty nine (49) in number filed the instant writ petition seeking a writ of Mandamus declaring the action of the third respondent in trying to alienate or transfer an extent of Acs.28.86 belonging to the petitioners as illegal and arbitrary.

It is the case of the petitioners that all of them are owners of various extents of lands in Survey Nos.51, 52, 55, 56, 57, 58, 59, 6/3, 61, 69, 68, 78, 80, 83, 23/7 and 24/2 situated at Tunglam village, Gajuwaka Mandal, Visakhapatnam District. For the purpose of formation of a railway line between Duvvada Railway Station to Visakhapatnam Steel Plant, the third respondent acquired various extents of lands and took possession of the lands in respect of which an award was passed giving compensation of Rs.1,100/- per acre. The petitioners assert that though the lands of the petitioners were notified, the petitioners' lands were not taken into possession nor any award was passed. They allege that the third respondent, however, is trying to transfer the lands to respondents 1 and 2 for construction of housing colonies by the fourth respondent. Therefore, they filed the writ petition.

The matter was initially listed before this Court on 02.01.2006 and the matter was adjourned to enable the learned Assistant Government Pleader to get instructions in the matter. When the matter was called on 06.01.2006, the learned Assistant Government Pleader for Revenue (Land Acquisition) on instructions submits that the lands in various survey numbers, which the petitioners claim to be owners, were already acquired under Award Nos.15/81, 3/81, 9/81 and 5/81, and the compensation was duly paid. It is also stated by the learned Assistant Government Pleader as well as the learned standing counsel for fourth respondent that the lands are already handed over to them in 1991 and the Visakhapatnam Steel Plant is in possession of the land. In view of the factual position as submitted by the learned Assistant Government Pleader and the learned standing counsel, no relief can be granted. It shall, however, be open to the petitioners to approach the third respondent and obtain award copies and make an application to the District Collector for redressal.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(V.V.S.RAO,J)

30.01.2006.

pln